

INTERVIEW SUMMARY

On January 6, 2009, the Applicant's filed a Request to Reissue Office Action and Reset the Response Period Pursuant to MPEP § 710.06. Subsequently on January 29, 2009, the undersigned followed-up on the filed request and telephoned the Examiner to request three things: First, the undersigned requested that the Examiner provide a copy of the non-patent literature that the Examiner was relying on in his response to the Applicant's previous arguments in order to maintain his obviousness rejections. The reference in question was IBM Technical Bulletin NN8905367, dated May 1989. Second, the undersigned requested that the Examiner reset the time for response, as prescribed by MPEP § 710.06. Third, the undersigned argued that by justifying the previous obviousness rejections by citing two new references, the Examiner was effectively introducing a new ground for rejection and therefore, the present Office Action should be made non-final.

The Examiner agreed to the first two points made by the undersigned. However, the Examiner disagreed that the citing of two new references (used to explain why the two previously cited references for the obviousness rejections at issue from the first Office Action would be brought together and consulted by one skilled in the art) constitutes a new ground for rejection. Therefore, the Examiner refused to make the present Office Action non-final. As a result, the present Supplemental Office Action, dated February 4, 2009, was issued by the Examiner, which reset the date for response.